Burlington & Quincy R. R. Co. v. *Wasserman,* 22 Fed. 872; *Carpenter* v. *Snow,* 117 Mich. 489, 76 N. W. Rep. 78, 72 Am. St. Rep. 576, 41 L. R. A. 820. In *Carpenter* v. *Snow* (supra) the court held that parol evidence was not competent to show that the testator did not intend to provide for his unborn children, though it was considered competent, under another section of the statute, to show that the failure to provide for a living child was not intentional. In *Railroad* v. *Wasserman* (supra) it was held that such evidence was not admissible, though Mr. Justice BREWER conceded that the real intention of the testator was thereby defeated. This case was repudiated in *Hawhe* v. *Chicago and Western Indiana Railroad Co.,* 165 Ill. 561, 46 N. E. Rep. 240, which decision is followed in the principal case, the majority of the court holding it conclusive on the questions here involved. Upon this authority parol evidence was admitted to show the circumstances under which the will was executed in order, it is said, to explain the meaning of the devise of all of the property to the wife, concluding that the circumstances show that the testator intended to exclude the child then unborn as well as the living one. The dissenting opinion does not take the unequivocal ground that such evidence is not admissible, but rather that *Hawhe* v. *Railroad Co.* (supra) does not govern this case, and that the facts themselves are insufficient to justify the conclusion of the majority. The decision doubtless works equity in this particular instance, but appears to be a rather loose interpretation of the statutory requirement.

WILLS—EXECUTION—LAW GOVERNING FORMALITIES THEREOF.—The last will of testator was executed in 1862. At that date the law did not require the attesting witnesses to sign in the presence of each other. In 1882 the law was changed, and such requirement was added. (Acts of 1882, Chap. 84, P. 194). The will was formally executed according to the law existing at the time of its execution, but did not comply with the later requirement. *Held,* that the law in force at the time of the execution governs the formalities of execution and attestation. *Barker* v. *Hinton* (1907), — W. Va. —, 59 S. E. Rep. 614.

The question presented is whether the statute in force at the date of the making of the will or that in force at the time of the death of the testator controls in the execution of the will. Upon this point the authorities are squarely in conflict. Compare *Lane's Appeal,* 57 Conn. 182, 17 Atl. 926, 4 L. R. A. 45, 14 Am. St. Rep. 94, with *Langley* v. *Langley,* 18 R. I. 618, 30 Atl. 465. See ROOD ON WILLS, § 405 and cases cited. In this case the court considers some peculiar features of the statute of 1882, and follows the decisions which hold that the time of execution controls.